

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CREDIT-BASED ASSET SERVICING AND
SECURITIZATION, LLC,

Plaintiff,

v.

FIRST CONSOLIDATED MORTGAGE
COMPANY,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7-26-10

ORDER

08 Civ. 7757 (LBS) (AJP)

SAND, J.

On May 11, 2009, the Court entered a default judgment against Defendant First Consolidated Mortgage Company and referred the matter to Magistrate Judge Peck for an inquest as to damages. On July 2, 2009, Magistrate Judge Peck issued a report and recommendation ("Report") recommending that the Court enter a judgment for Plaintiff in the amount of \$2,401,363.90. The Report advised that "[p]ursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. . . . Failure to file objections will result in waiver of those objections for purposes of appeal." (Report at 4.) The magistrate court ordered Plaintiff's counsel to serve the Report on Defendant and filed an affidavit of service with the Clerk of Court. Plaintiff's counsel filed an affidavit of service on July 14, 2009. To date, neither party has filed any objections.

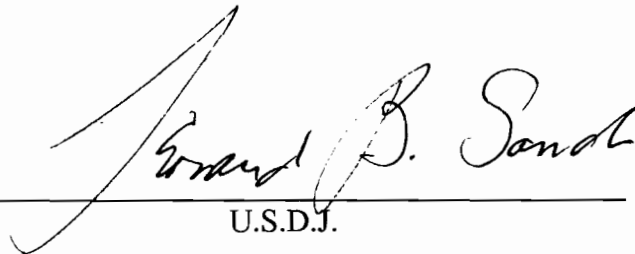
"A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Court may adopt

those portions of a report and recommendation to which no objections have been made and which are not clearly erroneous or contrary to law. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also Edwards v. Fischer*, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006) (“If no objections are filed, or where objections are ‘merely perfunctory responses,’ argued in an attempt to ‘engage the district court in a rehashing of the same arguments set forth in the original petition,’ reviewing courts should review a report and recommendation for clear error.”).

For the reasons set forth by the Report, we adopt the recommendation in its entirety. The Court enters judgment for Plaintiff against Defendant in the amount of \$2,401,363.90. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: July 21, 2010
New York, NY



U.S.D.J.